DEPUTY ZONING COMMISSIONER (1952 Merritt Boulevard) * OF BALTIMORE COUNTY 12th Election District 7th Councilmanic District

* Case No. 92-419-A

George Raduano, et ux Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioners request relief from Section 1802.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 feet in lieu of the required minimum of 10 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by George Raduano, appeared and testified. Also appearing on behalf of the Petition was Walter D. Fetty, Contract Purchaser. There were no Protestants.

Testimony indicated that the subject property, known as 1952 Merritt Boulevard, consists of 9,704 sq.ft. zoned D.R. 5.5 and is presently unimproved. The Petitioners have contracted to sell the subject property to Walter Fetty who is desirous of developing the property with a single family dwelling and attached garage in accordance with Petitioner's Exhibit 1. Evidence presented indicated that the proposed improvements will meet all other setback requirements and that to require strict compliance will result in practical difficulty and unreasonable hardship. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the require ments from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

- 2-

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of June, 1992 that the Petition for Zoning Variance requesting relief from Section 1B02.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 feet in lieu of the required minimum of 10 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed. the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Deputy Zoning Commissioner for Baltimore County

TMK:bjs

District 12T4 Posted for: Variation	Date of Posting 5/17/52
Geo. + Fliz. Red	4640
Location of property Nels 14-mi	the Bludy 1175 sw/ Mooden tense
Location of Signer Focing Voc	way on property of fitionen
Remarks:	
Posted by Milealy	Date of return: 3772/92

- 3-

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on $\frac{514}{19}$.

THE JEFFERSONIAN,

5. Take On man

Towson, MD 21204

Suite 113 Courthouse

400 Washington Avenue

(410) 887-4386

June 16, 1992

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Mr. & Mrs. George Raduano 1955 Sunberry Road Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE NW/S Merritt Boulevard, 1175' SW of the c/l of Meadow Lane (1952 Merritt Boulevard) 12th Election District - 7th Councilmanic District George Raduano, et ux - Petitioners Case No. 92-419-A

Dear Mr. & Mrs. Raduano:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, TIMOTHY M. KOTROCO Deputy Zoning Commissioner

cc: Mr. Walter D. Fetty

People's Counsel

TMK:bjs

for Baltimore County 4309 Blakely Avenue, Baltimore, Md. 21236

ITEM # 440

4369 BLAKELY AUE. B4LTO, MJ. 21236

PET. DOUG FETTY

RADUANO

BA COO2:32PM04-24-92

PAID PER HAND-WRITTEN RECEIPT DATED 4/24/92

5/04/92

H9200440

PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL) 080 -POSTING SIGNS / ADVERTISING

LAST NAME OF OWNER: RADUANO

04A04#0096HICHRC

- 92-419-A Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 1952 MERRITT BLVD. which is presently zoned DR 5.5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) | B 02.3

TO PERMIT ASDE YARD SETBAK OF L'INSTEAD OF THE REQUIRED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or I have access to plans which meet our needs perfectly, and if I am (blue prints) Able to use there prints, WE BAN EliniNATE the NEED FOR A DENTEMAN which does not fit into our budget without a hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. VWe do solemnly declare and affirm, under the penalties of perjury, that I/we are the spall owner(s) of the property which is the subject of this Petition.

George Kaduano WAHER DOUGLAS FEHTY Elizabeth & Raduano Elizabeth K. Kaduans 1455 Sunberry Rd 285-1192

92-419-A

2923 Chenoak Avenue

April 10,1992

MAISTE & WATTS, INC.

SURVEYORS and ENGINEERS

DESCRIPTION OF \$1952 MERRITT BOULEVARD, 12TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same on the Northwest side of Merritt Boulevard, at a point distant 1,175 feet measured Southwesterly along the Northwest side of Merritt Boulevard from its intersection with the centerline of Meadow Lane, thence leaving said place of beginning and the Northwest side of Mennitt Boulevand and nunning the 3 following courses and distances viz:

1) North 60 degrees 02 minutes 00 seconds West 161.37 feet, 2) South 29 degrees 58 minutes 00 seconds West 60.00 feet,

3) South 60 degrees 02 minutes 00 seconds East 162.11 feet to the Northwest side of said Menritt Boulevard thence nunning and binding themeon,

4) North 29 degrees 13 minutes 30 seconds East 60.00 feet to the place of beginning.

Containing 0.22 acres of land, more or less.

This description has been written for zoning purposes only and is not interced to be used for conveyance.

Baltimore, Maryland 21234

111 West Chesapasker Avenue (410) 887-3353

PATE:

Towson, MD 2.201

Walter Nomellas Fetty 4000 Plakely Avenue Kaltimore, Maryland 21336

CAUR HORREST 12-419-A Na/S Morritt Policians, 1975' (F/-) Switch o/1 Morrow Lane roma Marries Cales and The station pintict - object mailtee's logal Out of a): On ope and Ellinabeth parlame Partial produces (a): Relien Femilia saffy

page Petitics r(s):

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1918 FEE THAT THE LAND AND THE MONITED STRIP & PORT SET(S) RETURNING ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT 1889S. TO NOT KEEDE THE STONE OF STORS (MEET STORS) FROM THE PROPERTY DATE. THE DAY OF THE HEARING.

inea o fermond your check via return woll to the Zoning Cifice, Centy Office Building, 111 W. Chesapeake harmon, Boos 113, Tescara, Maryland 2006). It should have your case number noted thereon and be made payed to brilly and county, Paryland. In cribe to provent delay of the Designed of proper could and/or yer order, her direct as beation to this caster is supplied.

For the poor of Page

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

H11 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

MAY 6, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public bearing on the property identified betwin in Roxa 106 of the County Office Building, located at 111 W. Chesapeako Avenue in Towner, Maryland 21264 as follows:

NW/S Morritt Boulevard, 1175' (+/-) SW from c/l Meadow Lane 1952 Merritt Boulevard 12th Election District - 7th councilevale Legal Owner(s): George and Ellimbeth Radicano Contract Purchaser(s): Walter Louglas Fetty HEARING: FRIDAY, JUNE 5, 1992 at 10:30 a.m.

Variance to permit a side yard netback of 6 feet instead of the required 10 feet.

Zoning Commissioner of Baltimore County

cc: George and Elizabeth Raduano Walter Douglas Fetty

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPONATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING New Courts Building 401 Bosley Avenue Towson, MD 21204

MEMORANDUM

Arnold Jablon, Director - Zoning Administration & Development Management

Ervin McDaniel, Chief Development Review Section Office of Planning and Zoning

May 5, 1992

PETITIONS FROM ZONING ADVISORY COMMITTEE - May 4, 1992

The Office of Planning and Zoning has no comments on the following petitions:

George Raduano - Merritt Blvd. 440 Huntington Development Corp. - Hunting Tweed Drive Waldon J. Stevanus - 8524 Volmert Avenue Rita L. Ruff - Elm Road Eric Van Den Beemt - Monkton Road Warren E. Downey - Weddel Avenue

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: May 6, 1992

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili SUBJECT: Z.A.C. Comments #440

LEGAL OWNER: George Radnano

Z.A.C. MEETING DATE: May 4, 1992

There are no Comments for this site.

Traffic Engineer II

RJF/dm

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Mr. & Mrs. George Raduano

RE: Item No. 440, Case No. 92-419-A Petitioner: George Raduano, et ux Petition for Variance

Dear Mr. & Mrs. Raduano:

1955 Sunberry Road Baltimore, MD 21222

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

May 27, 1992

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

111 West Chesapeake Avenue

Towson, MD 21204

Office of Planning & Zoning

887-3353

Your petition has been received and accepted for filing this 24th day of April, 1992.

Baltimore County Government
Office of Zoning Administration

and Development Management

Petitioner: George Raduano, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 7, 1992 Zoning Administration and Development Management FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for May 11, 1992 Item for G. Raduano and E. Raduano 1952 Merritt Boulevard 440

The Developers Engineering Division has reviewed the subject zoning item. This site should be submitted as a minor subdivision for review and comment.

> ROBERT W. BOWLING, P.B., Chief Developers Engineering Division

RWB: DAK: 8

700 East Joppa Road Suite 901 Towson, MD 21204-5500

Zoning Administration and

Baltimore County Office Building

edition prior to occupancy.

Planning Group

Development Management

Arnold Jablon

Towson, MD $2120\overline{4}$

Location:

Director

Gentlemen:

5_4_92.txt Petitns.txt

JP/KEK

shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988

Special Inspection Division

Baltimore County Government Fire Department

MAY 8, 1992

RE: Property Owner: GEORGE RADUANO AND ELIZABETH K. RADUANO

Item No.: (LEO) 440 Zoning Agenda: MAY 4, 1992

#1952 MERRITT BOULEVARD

Pursuant to your request. the referenced property has been surveyed by

this Bureau and the comments below are applicable and required to be

corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site

Fire Prevention Bureau

(301) 887-4500

Department of Recreation and Parks

Development Review Committee Response form

Authorized signature

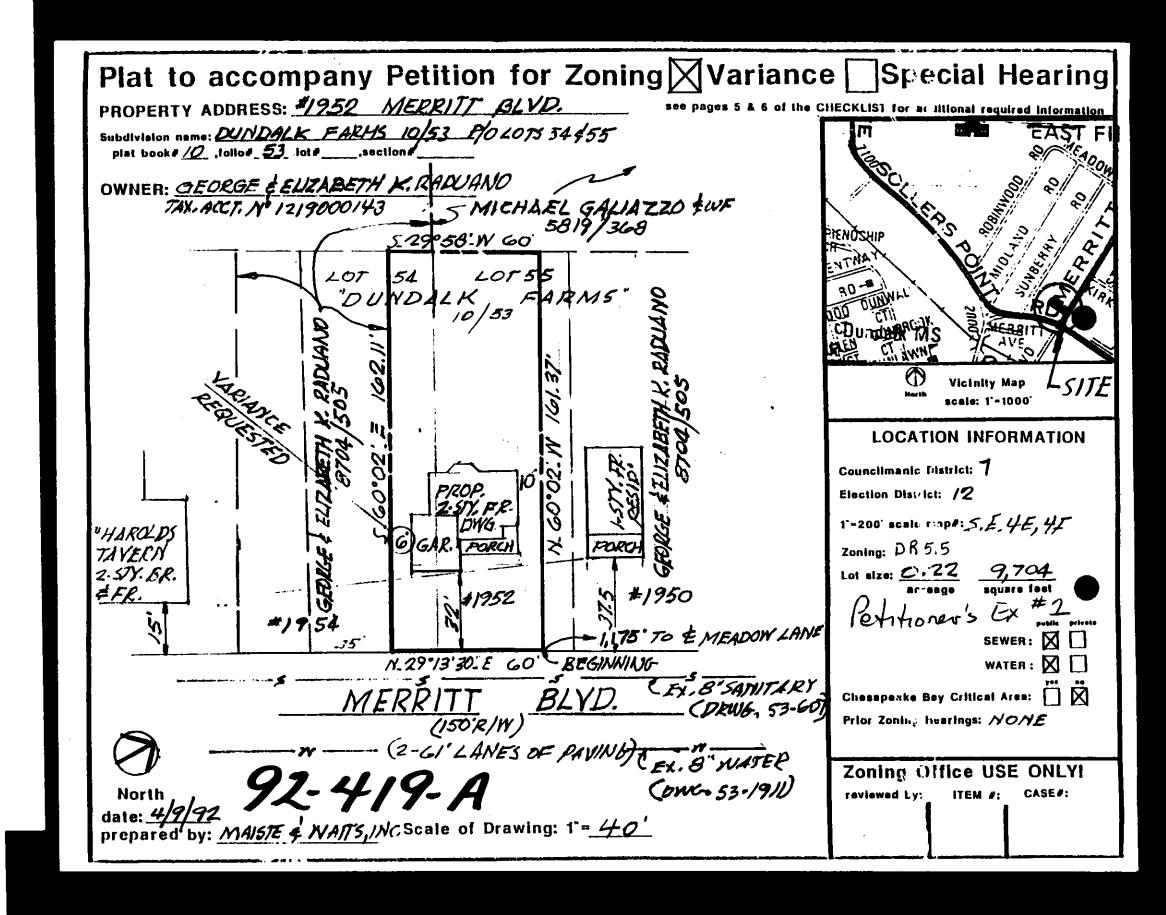
Date 5 42 1500 Glencoe Road - Oldfields School, Inc. CR-92-399-XA STP DEPRM RP (To EIRD) Raduano And Elizabeth Raduano DED DEPRM RP STP TE 440 Scripps Howard Broadcasting Company DED DEPRM RP STP TE # 441 No Community Huntington Development Corporation (Hunting Tweed Drive) DEU DEPRIM RP 51P IE " 77" Waldon J. And Margaret O. Stevanus DED DEPRM RP STP TE #443 Rita L. Ruff DED DEPRM RP STP TE Jeffery W. And Charles H. Sheldon DED DEPRM RP STP TE #445 DED DEPRM RP STP TE #45 Eric and Patricia vanden Beemt DED DEPRM RP STP TE #419 William R. And Carol L. Sturgeon DED DEPRM RP STP TE # 44 1 DED DEPRM RP STP TE Larry R. And Dianna L. Long DED DEPRM RP STP TE #441 Warren E. And Linda M. Downey DED DEPRM RP STP TE

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Project Nam le Number	Waiver Number	Zoning Issue	Meeting Date	
3838 North	Point Boulevard		4-27-92	
	(To CBCA)	WM'	th comments	
14311 Old H	lanover Road		WC	
DEPRM	(To EIRD)	=======================================	.======================================	
1243 Lanover Road			WC.	
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4500 Jall	y Acres Road	429	WC	
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Scripps Ho	ward Broadcasting Co	mpany #441	NC	
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Huntingtor	Development Corpor	ation (Hunting Twee		
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GI Wix Ave. BAHO., Ad. 21222 72-419-A Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 111 West Chesapeake Avenue (410) 887-3353 Towson, MD 21204 April 29, 1992 Walter Douglas Fetty 4309 Blakely Avenue Baltimore, MD 21236 RE: Petition for Variance 1952 Merritt Boulevard 12th Election District Dear Mr. Fetty: This letter is to confirm our telephone conversation of April 28, I was in error for charging you \$35.00 for the cost of posting the above referenced property. Posting and advertising fees are separate charges and you will be billed for these charges at a later date. You will be given credit for the \$35.00 once the cost for posting and advertising are determined. Once again, I am sorry for this mistake. If you need further information or have any questions, please do not hesitate to contact me at 887-3391. Very truly yours,

PETITIONER(S) SIGN-IN SHEET

PLEASE PRINT CLEARLY



0 92-419-A





SCALE LOCATION SHEET

I'*- 200'±

DATE
OF
PRETTOGRAPHY
ANUARY
1986

92-419-A

